

REMARKS

Reconsideration and withdrawal of the rejections set forth in the Office Action dated November 3, 2005 are respectfully requested. Further, the applicants wish to thank the Examiner for the detailed comments in the Office Action, including specific recitation of portions within the applied references with respect to certain claims.

Rejections under 35 U.S.C. § 103

Claims 1, 4-6, 8-14, 16-19 and 21 stand rejected as being unpatentable over U.S. Patent Application Publication No. 2003/0026392 to Brown et al. in view of U.S. Patent No. 6,249,765 to Adler et al. Claims 15, 18 and 20 stand rejected as being unpatentable over U.S. Patent Application Publication No. 2003/0026392 to Brown et al. in view of U.S. Patent No. 6,249,765 to Adler et al., and further in view of U.S. Patent No. 6,553,024 to Hünlich et al.

A. The Brown Reference

Applicant submits herewith a declaration under C.F.R. § 1.132 to remove Brown as a reference. More specifically, Brown was filed on August 6, 2001. As presented in the Declaration of applicant's representative, Michael J. Smith, applicant's date of invention is prior to August 6, 2001. This Declaration is seasonably presented, as it is submitted prior to a final rejection. (MPEP § 715.09.) Because this Declaration establishes an invention date prior to Brown's August 6, 2001 filing date, Brown should be removed as a reference. Applicant accordingly requests the rejection of claims 1, 4-6, and 8-21 under 35 U.S.C. § 103(a) be withdrawn.

As explained in detail in the attached Declaration, the inventor possessed either the whole invention as claimed in claims 1, 4-6, and 8-21, or something falling within the claims prior to August 6, 2001, Brown's apparent filing date. The facts presented in the Declaration carry with them any variations and adaptations that would have been obvious

at the same time, to one of ordinary skill in the art. MPEP § 715.02. Thus, despite any minor difference between the facts presented in the Declaration and the claims, the inventor conceived of the claimed invention before the effective date of Brown. Additionally, the inventor diligently reduced the invention to practice, as explained in the Declaration.

B. The Adler Reference

Notwithstanding the submitted Declaration, the claims nevertheless are patentable because the Adler reference does not disclose all the elements of applicant's claims, whether viewed alone, or in combination with the other relied upon references.

For example, Adler is directed to a system for extracting data from audio messages, and does discuss using the system with a live audio stream.

Conclusion

Even without the submitted Declaration, the claims are patentable because the combination of Brown in view of Adler does not disclose a method for automatically connecting to electronic addresses in voice streams, comprising: receiving electronic communications including the voice streams, automatically recognizing and extracting the electronic addresses from the received voice streams using automatic voice recognition during normal reception of the voice stream and not under a special mode and without activating a voice record function, wherein the electronic addresses include telephone numbers and either email addresses or a Uniform Resource Identifiers, and wherein the voice streams are continuous, as opposed to discrete, streams of voice information provided under live telephone calls, and automatically connecting two or more electronic communication devices using the electronic addresses, wherein the automatically recognizing is performed at neither of the two electronic communication devices.

In view of the above, applicants respectfully request reconsideration and withdrawal of the rejections set forth in the Office Action dated November 3, 2005. Applicants submit that the claims pending in the application as amended comply with the requirements of 35 U.S.C. § 102 and 35 U.S.C. § 103 and are patentably distinct over the prior art. A Notice of Allowance is therefore requested.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0665, under Order No. 364388002US from which the undersigned is authorized to draw.

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Respectfully submitted,

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